

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:10-cr-0059
)	
RICARDO MITCHELL,)	
)	
Defendant.)	
)	

ORDER

BEFORE THE COURT is Ricardo Mitchell's ("Mitchell") *pro se* Motion for Termination of Supervised Release, filed January 11, 2021. (ECF No. 104.) The United States ("the Government") filed a reply to the motion on January 21, 2021. (ECF No. 105.) For the reasons stated below, the Court will deny Mitchell's motion.

On November 4, 2010, a federal grand jury returned an indictment charging Mitchell with two counts of possession of a firearm with an obliterated serial number and one count of carrying of firearms. Following a trial on January 24 and 25, 2011, a jury found Mitchell guilty on all three counts. On June 13, 2011, the Court sentenced Mitchell to a term of fifteen years, to be followed by a term of supervised release of three years, and a fine of \$5,000. (ECF No. 104 at 3.) Mitchell argues that he "successfully participated in and completed ten classes for which he received certificates" while incarcerated. *Id.* He further argues that as a gainfully employed and now "law abiding citizen in the community," it is "in the interest of justice to grant [Mitchell] termination of his supervised release." *Id.*

A district "court may 'terminate a term of supervised release and discharge the person released,' once at least a year of release time has been served" if the Court finds "that a defendant's conduct and the interests of justice warrant it." *Johnson v. United States*, 529 U.S. 694, 704 (2000). However, in addition to a term of incarceration and period of supervised release, "a defendant who has been found guilty of an offense may be sentenced to pay a fine." 18 U.S.C. § 3571(a). Under the United States Code, a defendant who has been found guilty of a felony may be sentenced to pay no more than \$250,000. 18 U.S.C.

§ 3571(b)(3). Pursuant to the Virgin Islands Code, “whoever, unless otherwise authorized by law, has, possesses, bears, transports or carries either, actually or constructively, openly or concealed any firearm, as defined in Title 23, section 451(d) of this code, loaded or unloaded . . . shall be sentenced to imprisonment of not less than one year . . . and shall be fined not less than \$5,000 nor more than \$15,000 . . .” 14 V.I. Code § 2253(a) (2009).

To date, the Government states that Mitchell has paid approximately \$3,800 of his \$5,000 fine. There remains a balance of approximately \$1,200 on the fine portion of the judgment imposed by this Court. Mitchell has completed his term of incarceration and has served approximately two years of his 3-year term of supervised release. The Government does not oppose terminating Mitchell’s term of supervised release, “provided he pays off his remaining balance of the \$5,000 fine imposed at sentencing.” (ECF No. 105 at 3.) The Court holds that Mitchell must pay his fine before the Court may consider termination of his term of supervised release.

Accordingly, it is hereby

ORDERED that Mitchell’s motion for termination of supervised release is **DENIED** without prejudice.

Dated: February 2, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
District Judge